



Federal Communications Commission
Washington, D.C. 20554

May 3, 2004

WHTM-TV (ABC), Channel 27
3235 Hoffman Street
Harrisburg, PA 17110

Attention: Joseph Lewin, President & General Manager

**Re: Notice of Complaint (NOIC) - Disabilities-Related
FCC File No. 04-N92179, Ms. Valeria Hamilla**

Dear Mr. Lewin:

The Federal Communications Commission (FCC) has received a complaint about lack of access to emergency information in video programming from Ms. Valeria Hamilla of Harrisburg, Pennsylvania. Ms. Hamilla says she represents the concerns of the Self Help for Hard of Hearing (Harrisburg) affiliate. Specifically, she alleges:

Emergency Information Not Accessible to Persons with Disabilities

On Friday March 5th, 2004, there was breaking news during the 7 a.m. and other morning news about a tractor trailer involved in a 4 a.m. accident on U.S. Route 81. Images on television showed a "truck overturned," "fire and smoke," "police cars," "HazMat vehicles and personnel" and "firefighters."

Ms. Hamilla reports that there was no crawl, scroll, open or closed captioning or other means of visual presentation that explained about these images that likely involved life, safety and health issues during the morning news reporting and that would have informed her about any road closures, alternate routes or other critical details she needed to know before she left her house that day. She states that it was not made accessible to her until the 11 p.m. newscast.

Ms. Hamilla also asserts that over the 2003-2004 winter, and in previous years, weather emergencies involving snow, possible flooding and fires were not made accessible to her and other hard of hearing viewers. She asserts "we are taken to the scene and a reporter starts talking," but there is no means of visual presentation of the critical details.

The enclosed informal complaint has been filed with the Commission pursuant to Section 305 of the Act, 47 U.S.C. §305, and Section 79.2 *et seq.* of the Commission's Rules, 47 C.F.R. § 79.2 *et seq.* Upon receipt of this Notice, a letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to the complainant at the mailing address indicated below.

We are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your

company should respond specifically to all material allegations raised in the complaint and summarize the actions taken by your company to satisfy the complaint.

Your company's response to the complaint must be filed with the Commission in writing within THIRTY DAYS of the date of this Notice. The original of your response should be sent to the Consumer & Governmental Affairs Bureau, Consumer Inquiries & Complaints Division, 445 12th Street S.W., Suite CY-B523, Washington, D.C. 20554. Due to heightened security measures undertaken in Washington, D.C. and at this agency, you should send an electronic copy of this letter also to Jenifer.Simpson@fcc.gov. Your company is further directed to send a copy of its response to the complainant at the same time the response is forwarded to the Commission. Your company is directed to retain all records which may be relevant to the complaint until final Commission disposition of the complaint.

File Number

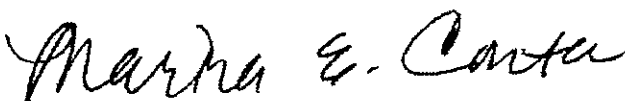
FCC No. 04-N92179

Complainant

Ms. Valeria Hamilla
670 Cardinal Drive
Harrisburg, PA 17111
TTY (717) 566-0260

Prompt attention to the allegation is expected.

Sincerely,



Martha E. Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau

Attachment

CC: Comcast, 4601 Smith Street, Harrisburg, PA 17109

COMPLAINT FOR VALERIA HAMILLA

Complaint Type: Broadcast

Account Type: Residential

Congressional Complaint

IC Number:	04-N92179	Case Type:	Complaint
Date Received:	04/23/2004	Complainant:	Valeria Hamilla
Date Entered:	04/23/2004	Date Assigned:	04/23/2004
Entered By:	Jenifer Simpson	Date Reassigned:	
Assigned To:	Jenifer Simpson/FCCIN	Service Date:	
		Served By CGB - Jenifer Simpson	
Date Closed:		Response Date:	06/03/2004
Closed By:		Original Analyst:	
Close Letter Needed?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Purged By:	Purged Date:
		Removed By:	Removed Date:

Current Status: Pending Carrier Service

Complaint Summary:

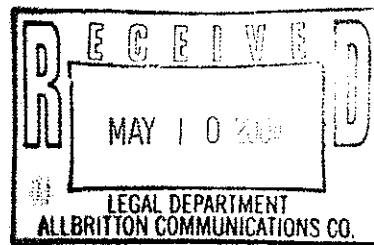
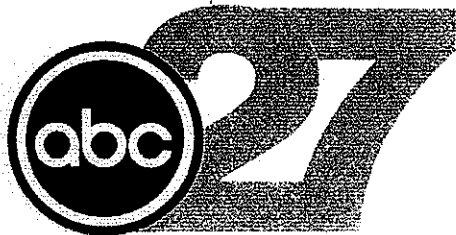
Via several relay services calls on 4/23/04 and 4/28/04, Ms. Hamilla asserts that several weeks ago, on Friday March 5, the local tv stations failed to provide any captioning or accessible emergency information about a serious traffic accident that occurred on US Route 81. She said the images on the tv showed a semi-truck overturned and HazMat vehicles at the scene, including images of fire and smoke, police and firefighters. She says the 7 a.m. news showed images but it was not until the 11 pm news report that it was made (partially) accessible, by which time it was too late for her to learn about information she needed to know for her day's activities. She adds that these same TV stations do not make weather emergency information accessible to deaf viewers such as over the past winter during big snows, flooding, and during other fires. She says viewers are taken to the scene of the event, accident or weather impact and the reporter starts talking but the critical details are not made accessible to her and the other members of the local Self Help for Hard of Hearing (SHHH) group and "they all are fed up with the lack of closed captioning." She says the SHHH group has complained about this over the past five years to the TV stations but they are told "the budgets can't handle it" and the SHHH group members "have given up trying" to let the TV stations know about the problems they experience.

Apparent Carriers: WHP-TV Ch 21 (CBS) Harrisburg, PA
 WCAT-TV Ch 3 (NBC) Harrisburg, PA
 WHTM-TV Ch 27 (ABC) Harrisburg, PA
 Comcast Cable, Harrisburg, PA

Yes - Check here if you wish to serve both a Wireline and Wireless carrier.

Problem Number:			
Title: None	First Name: Valeria	Middle Initial:	Last Name: Hamilla
Contact Name:	Valeria Hamilla	Best Time to Call:	
Contact Number:	(717) 566-0260 Ext.	Fax Number:	(724) 654-3862
Email Address:		Internet Address:	
PO Box:		Address:	670 Cardinal Drive
City:	Harrisburg	State: PA	Zip: 17111

On Behalf Of:	
Company Name:	
Party's Name:	Relationship with the Party:
Party's Contact Number: Ext.	PO Box:
	Address:
	City/State/Zip:
Other Party that can be contacted?	
Name:	Relationship:



May 6, 2004

Ms. Valeria Hamilla
670 Cardinal Dr.
Harrisburg, PA 17111

Re: Closed Captioning Complaint FCC No. 04-N92179

Dear Ms. Hamilla:

We are in receipt of a complaint filed with the Federal Communications Commission regarding closed-captioned programming during certain parts of the news service provided by WHTM-TV. We are in the process of researching your complaint and will respond shortly.

Very truly yours,

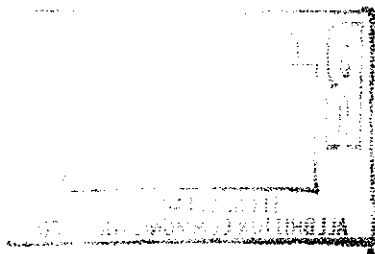
H. Joseph Lewin

H. Joseph Lewin
President and General Manager

*due
6-21-04*

cc: Jerald N. Fritz, Esq.

WHTM-TV 3235 Hoffman St. Harrisburg, PA 17110



WHTM-TV (ABC), Channel 27
3235 Hoffman Street
Harrisburg, PA 17110

Dear Mr. Lewin:

Thank you for responding to my complaint to the FCC concerning lack of access to captioning on WHTM in regard to local events.

This does not concern only one event that brought my attention to captioning but to educate those of you who seem unconcerned in this time of advances in every field of Research. I say unconcerned because of the time span since 1993 to date when captioning became available on all new TV sets. I realize there are rules and regulations you must adhere to in your field but what about compassion also.

On behalf of our SHHH (Self Help for Hard of Hearing) members, I am begging our local TV Channels to please access more captioning for our use. Whether it is an emergency or breaking news, please allow us to know what is occurring. Going "live" to every scene is not possible for us! Even a crawl or scroll to identify the event would be so helpful!

May I suggest that you personally try the following to get a "feel" of the lives of the hearing impaired. Set your TV menu to captioning, shut off all volume with only the visual screen available. Try it!

In 1996, the Telecommunication Act was passed by Congress and became law. In 1998, the Federal Communication Commission was mandated to phase in Closed Captioning over a ten year period for existing programs and eight years for new programming.

FACTS:

28 MILLION persons in our nation are hearing impaired. We require TV captioning and phone access with TDD or TTY and ALD's or assistive listening devices for our everyday living needs. Some are deaf and use sign language to one another. Those of us with hearing aids or cochlear implants use lip or speech reading when communicating with all persons. Head phones and cell phones are not possible to be used by us.

Self Help for Hard of Hearing(SHHH)is our National Organization in Bethesda, MD. Our local Harrisburg Chapter meets monthly at Holy Spirit Hospital Education Building. We lip-read to see the spoken word and use an FM system around the classroom to give access to the microphone. This loop permits those with hearing aids that have a telephone switch on it to hear and remove the background noises also.

We have seen much improvement in the past year on WHTM-TV so please continue to upgrade your captioning, especially in emergency situations and know it is appreciated.
Thank you.

Sincerely,

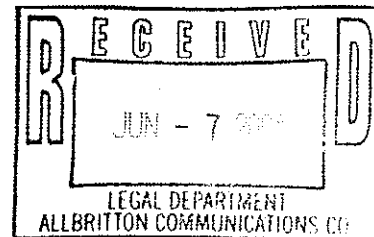
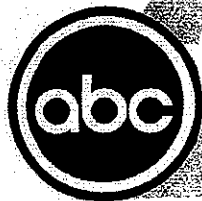
Valeria Hamilla

Valeria Hamilla

670 Cardinal Drive

Harrisburg, PA 17111

cc: Jenifer Simpson/FCCIN
FCC No. 04-N92179



Via Email and Regular Mail

jenifer.simpson@fcc.gov

May 24, 2004

Ms. Jenifer Simpson
Specialist, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., S.W.
Suite CY-B523
Washington, DC 20554

Re: Complaint FCC No. 04-N92179 - Ms. Valeria Hamilla

Dear Ms. Simpson:

We are in receipt of the above-captioned complaint dated April 23, 2004 from Ms. Valeria Hamilla regarding emergency information broadcast in video programming on WHTM-TV. Ms. Hamilla alleges that "the local tv stations failed to provide any captioning or accessible information about a serious traffic accident that occurred on US Route 81 on Friday, March 5, 2004. Specifically, Ms. Hamilla alleges that the 7 a.m. news showed images but it was not until the 11 p.m. news report that it was made partially accessible. Ms. Hamilla adds generally that the TV stations in the market do not make weather emergency information accessible to deaf viewers.

Contrary to Ms. Hamilla assertions, WHTM did not air the reports attributed to it. Moreover, WHTM has a procedure to provide vital information visually to its viewers designed to specifically meet the needs of the hearing impaired community as required under §79.2 of the Rules for weather and other emergencies. Simply stated, the facts demonstrate that WHTM is not only cognizant of its responsibilities under the Commission's rules, but has developed visual information specifically with the hearing impaired community in mind that conveys vital emergency information on a real time basis. WHTM met its requirements under §79.2 of the Commission's Rules on that day and continues to do so.

Specifically, we have reviewed the scripts for all WHTM newscasts for March 5, 2004 and discovered the following:

- There was no similar accident in any of the WHTM 7-9 a.m. news cut-ins during the ABC program, *Good Morning America*, and the station aired no video of any accident in those cut-ins.

WHTM-TV 3235 Hoffman St. Harrisburg, PA 17110

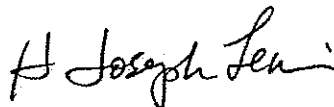
- During the noon newscast, WHTM aired a fully closed-captioned report of an accident on a non-Interstate road that did not involve a road closure. The accident did not occur on I-81. The video does not match the complaint's description. The car is off the road in a wooded area, there is no truck, no smoke and no HazMat vehicle.
- During the 5-6 p.m. newscast on that day, WHTM ran a breaking news story in reference to an accident on I-81 in Schuylkill County (Wilkes-Barre-Scranton). This story contained no video and was closed-captioned to include the fact that this road was shut down. We also used an accompanying full-screen map and text to indicate the location of the accident and the fact that the road was closed.
- During the 11 p.m. newscast, we aired a follow-up story with video of the I-81 accident. The story included closed-captioning.

It is unclear whether Ms. Hamilla may have mis-identified the day and/or may have been watching a station other than ours. It is, however, WHTM's newsroom policy to always detail any road closure information with full screen text graphics and maps describing location, incident and status. We also crawl any road closure information during non-news times, as necessary. The same policy applies to weather emergencies generally. We are unable to comment on Ms. Hamilla's allegations concerning our weather coverage inasmuch as no specific event, report or day is cited.

That said, WHTM appreciates the perspectives of Ms. Hamilla. WHTM understands its obligations to provide such information in graphic form or by captioning and has specifically designed its facilities to provide exactly that in the event instructions are provided to viewers as to how to respond to local emergency situations so as to ensure safety of life or property.

To the extent you have additional questions or concerns, please contact the undersigned.

Respectfully submitted,



H. Joseph Lewin
President and General Manager

cc: Ms. Valeria Hamilla
670 Cardinal Drive
Harrisburg, PA 17111

WHTM Public Inspection File